

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

BOBBY MCPHAIL and OCTAVIA  
MCPHAIL,

Plaintiffs,

v.

RUSSELL ALLEN, HARRY DOLAN,  
CASSANDRA DECK-BROWN,  
CAPTAIN KAREN RIGGSBEE,  
SARGENT THOMAS VESTAL,  
OFFICER JOUHUA GULCH, OFFICER  
JANE DOE, MAX EATMAN, ASHBY  
RAY, THE RALEIGH POLICE  
DEPARTMENT, and THE CITY OF  
RALEIGH,

Defendants.

**JUDGMENT**

No. 5:15-CV-267-D

**Decision by Court.**

This action came before the Honorable James C. Dever III, Chief United States District Judge, for ruling as follows:

**IT IS ORDERED, ADJUDGED, AND DECREED** that the court GRANTS plaintiffs' application to proceed in forma pauperis and DISMISSES plaintiffs' federal claims for failure to state a claim upon which relief can be granted. The court DISMISSES any state-law claims WITHOUT PREJUDICE. The clerk shall close the case.

**This Judgment Filed and Entered on December 3, 2015, and Copies To:**

Bobby McPhail (via US Mail to: 1517 E. Martin St, Raleigh, NC 27610)

Octavia McPhail (via US Mail to: 1517 E. Martin St, Raleigh, NC 27610)

DATE

December 3, 2015

**JULIE RICHARDS JOHNSTON, CLERK**

By: /s/ Crystal Jenkins

Deputy Clerk